

Child Care Business Regulations

For

Family Home Child
Care

Chapter 388-296 Washington Administrative Code (WAC)
MINIMUM LICENSING REQUIREMENTS

Effective 10/1/04

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Chapter 388-296 WAC

CHILD CARE BUSINESS REGULATIONS FOR FAMILY HOME CHILD CARE

PURPOSE AND DEFINITIONS

WAC 388-296-0010 What is the purpose of this chapter?

This chapter defines general and specific licensing requirements for family home child care. Unless noted otherwise, these requirements apply to people who want to be licensed or relicensed to provide family home-based child care (chapter 74.15 RCW). We issue or deny a license based on your ability to meet and follow the licensing requirements.

We are committed to ensuring that children who receive family home child care experience health, safety, and well-being. We want these children's experiences to benefit them not only in the short term, but also in the long term. Our licensing requirements reflect our commitment to children.

WAC 388-296-0020 What definitions do I need to know to understand this chapter?

For the purpose of this chapter:

"Accessible to children" means areas of the facility and materials that children can easily get to on their own.

"Age appropriate" means the developing stages of growth typical of children within a given age group.

"American Indian child" means any unmarried person under the age of eighteen who is:

(1) A member of or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut or other Alaska Native and a member of an Alaskan native regional Corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood;

(3) Considered to be Indian by a federally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"Anti-bias" is an approach that recognizes when others are treated unfairly or oppressively based on race, color, national origin, marital status, sexual orientation, gender, class, religion, creed, disability, or age.

"Assistant" means a person fourteen years or older (whether a volunteer or an employee) who assists a licensed home provider in the operation of the family home child care and is not solely responsible for the supervision of children.

"Capacity" means the highest number of children you can care for at any time, as written on your license.

"Character, competence, and suitability assessment" means a determination of whether an applicant should be allowed access to vulnerable people if that applicant has a conviction record, pending charges and/or findings of abuse, neglect, exploitation or abandonment of a child or vulnerable adult and child protective services(CPS) adverse referral history.

"Child" means a person who has not yet reached the age of twelve years.

"Child care" means the developmentally appropriate care, protection and supervision of children that is designed to promote positive growth and educational experiences for children outside of their home for periods of less than twenty-four-hours a day.

"Child abuse and neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child by any person indicating that the child's health, welfare, and safety is harmed.

"Communicable disease" means an illness that can be spread from one person to another, in the child care setting, by either direct or indirect contact.

"Conditions of the license" means what you must do to keep a license.

"Confidentiality" means the protection of personal information, such as the child's records, from persons who are not authorized to see or hear it.

"Corporal punishment" means the infliction of pain by any means for the purpose of punishment, correction, discipline, instruction or any other reason.

"Cultural relevancy" means an environment in which the learning experiences, play materials and activities are meaningful, inclusive and respectful for the participating children, their families and the community at large.

"Department," "we," "us," or "our" refers to and means the state department of social and health services (DSHS), including but not limited to the division of child care and early learning (DCCEL).

"Department of health" means the state department of health.

"Developmentally appropriate" means activities and interactions that recognize and address how children learn and what they can do at each stage of development - socially, emotionally, cognitively, and physically.

"Discipline" means a process of guiding children to develop internal, positive social behaviors through methods that include consistent use of the following: Modeling appropriate behavior, positive reinforcement, active listening, limit setting, redirecting and modifying the environment.

"Division" or "DCCEL" means the division of child care and early learning within the department of social and health services (DSHS).

"Facility licensing compliance agreement" means a written notice of rule violations and the intention to initiate enforcement, including a corrective action plan.

"Family home" means a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Family home child care" means a facility licensed to provide direct care, supervision and early learning opportunities for twelve or fewer children, in the home of the licensee where the licensee resides and is the primary provider.

"Family home child care provider" means a person who provides direct care, supervision, behavior management, and early learning opportunities for twelve or fewer children in their family home living quarters for periods of less than twenty-four hours.

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"Inaccessible to children" means areas kept or items stored in a manner that makes it impossible for children to reach, enter, or use potentially hazardous items or areas. Examples of how this can be accomplished are through the use of locks, gates, or other means that are effective to prevent access by the children in your care.

"Infant" means a child birth through eleven months of age.

"License" means an official document that certifies you have been granted permission by the department to operate a family home child care in compliance with the rules.

"Licensed space," means the indoor and outdoor space approved by the department as useable space where children in care may be present.

"Licensee" means the person or persons named on the license as having been issued the license and who are responsible for maintaining compliance with the regulations.

"Licensor" means the person with authority to grant licenses.

"Parent" means a child's parent or legal guardian.

"Premises" means the buildings where the home is located and the adjoining grounds (at the same address) over which the licensee has control.

"Preschool age child" means a child thirty months through five years of age not attending kindergarten or elementary school.

"Primary staff person" means a person who has been approved by the department, age eighteen years or older, who has responsibilities for the operation of the program and the direct supervision, behavior management and care of children.

"Provider" means the same as licensee.

"Repeatedly" means a violation of a licensing regulation that is written on a facility licensing compliance agreement that occurs more than once during a

twelve-month time frame.

"Reportable communicable disease" means an illness that can be spread from one person to another by either direct or indirect contact, and is of the type that is required by law to be reported to the department of health. Examples include Hepatitis, measles, smallpox, and tuberculosis.

"Revocation" means the formal act of closing your child care business and taking your license from you due to your failure to follow the rules.

"Sanitize" means a surface must be clean and the number of germs reduced to a level where disease transmissions by that surface are unlikely.

"Staff" means a child care giver or group of child care givers employed by the licensee to assist with or supervise children served at the family home child care.

"STARS" (Washington state training and registry system) means the entity approved by the department to determine the classes, courses, and workshops that licensees and staff may take to satisfy training requirements.

"Summary suspension" means the formal act of immediately stopping your license for a certain time because the health, safety or well being of a child is at risk.

"Supervision of children," means the knowledge of and responsibility for the activity and whereabouts of each child in care and assuring immediate intervention of staff to safeguard a child from harm.

"Terms of the license" means the address, number and ages of children, and the beginning and ending dates listed on the license issued by the department.

"Toddler" means a child twelve months through twenty-nine months of age.

"Unsupervised access" means not in the absence of the licensed child care provider or primary staff person. (Anyone sixteen years or older who lives at the same address as the provider must pass a complete criminal history background check.)

"Useable space" means the space actually available for children to engage in developmentally appropriate activities, that has been inspected and approved by the department for providing child care.

"Weapons" means an instrument or device of any kind that is designed to be used to inflict harm on another person. For example, BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, shotguns, knives.

GENERAL QUALIFICATIONS AND LICENSING PROCESS

WAC 388-296-0110 Who needs to become licensed?

- (1) Individuals and agencies that provide care for children must be licensed, unless specifically exempt under RCW 74.15.020(2).
- (2) The person claiming an exemption must provide the department proof of the right to the exemption if we request it.
- (3) We must not license a home that is legally exempt from licensing. However, at the applicant's request, we must investigate and may certify the home as meeting licensing and other requirements. We must apply the same requirements and procedures for certification that we apply for licensure.
- (4) We may certify a family home child care for payment without further investigation if the home is:
 - (a) Licensed by an Indian tribe; or
 - (b) Certified by the Federal Department of Defense. The home must be licensed or certified in accordance with national or state standards or standards approved by us and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.
- (5) The individuals and agencies wanting to care for children whose child care is paid for by the state child care subsidy program must:
 - (a) Be licensed or certified;
 - (b) Follow billing policies and procedures in *Child Care Subsidies, A Booklet for Licensed and Certified Providers*, DSHS 22-877(X); and
 - (c) Bill the department at the person's or organization's customary

rate or the DSHS rate, whichever is less. (See WAC 388-290-0190(2) and (3) for exceptions.

WAC 388-296-0120 When does the department establish an overpayment for payment I receive through the child care subsidy program?

We establish child care subsidy overpayments for payments you received when:

- (1) You receive payment for services you did not provide;
- (2) You do not have attendance records that support the billing. Only attendance records meeting WAC requirements will be accepted for attendance verification;
- (3) We pay you more than you are eligible to bill;
- (4) You receive payment from us and you are not eligible based on WAC 388-290-0125; or
- (5) You receive payment for caring for children outside your licensed allowable age range and you do not have a waiver for that purpose.

WAC 388-296-0125 Must I comply with local ordinances and codes?

Family home child care businesses must comply with any city and county ordinances and codes for their locality and meet the minimum construction, fire and safety requirements for one and two family dwellings. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations.

WAC 388-296-0130 How old do I have to be to apply for a license?

You must be at least eighteen years old to apply for a license to provide child care.

WAC 388-296-0140 What personal characteristics does an individual need to provide care to children?

- (1) An individual must have specific personal characteristics to have a:
 - (a) License;
 - (b) Certification;
 - (c) Primary staff position; or
 - (d) Assistant and volunteer position.
- (2) These characteristics are:
 - (a) An understanding of how children develop socially, emotionally, physically, and intellectually;
 - (b) The ability to plan and provide care for children that is based on an understanding of each child's interests, life experiences, strengths, and needs;
 - (c) The physical ability to respond immediately to the health, safety and emotional well being of a child;
 - (d) Reliability and dependability;
 - (e) Truthfulness;
 - (f) A disposition that is respectful of a child's need for caring attention from a care giver; and
 - (g) Ethical business practices with clients, staff, the department and the community.

WAC 388-296-0150 What personal information may I be required to provide to be licensed?

- (1) If we determine that you, any staff, assistants or members of your household may be unable to meet the requirements in chapter 388-296 WAC, we may require any of the following evaluations:
 - (a) Substance and alcohol abuse evaluations and documentation of treatment;
 - (b) Psychiatric and psychological evaluations;
 - (c) Psycho-sexual evaluations; and
 - (d) Medical evaluations.
- (2) If any evaluation we require has a cost, the individual required to have the evaluation is responsible to pay for it.
- (3) The individual having the evaluation must sign a release of information prior to having the evaluation, to allow us to communicate with the person doing the evaluation.
- (4) If the individual refuses to follow any of these rules, we may deny the application or revoke the license.

WAC 388-296-0160 How do I apply for a license?

- (1) To apply for a license, you must:
 - (a) Attend an orientation provided by DCCEL;
 - (b) Complete and submit a signed application form, DSHS 10-204 to DCCEL, including the following attachments:
 - (i) A copy of your picture identification issued by a government entity (could include but is not limited to: driver's license, passport, state identification);
 - (ii) A photocopy of your Social Security card that is valid for employment or verification of your employer identification number (EIN);
 - (iii) An employment and education resume for you, primary staff, assistants and volunteers; and
 - (iv) Three references for you from people unrelated to you.
- (2) You must submit to DCCEL these additional documents either with your application or within sixty days of submitting your application:
 - (a) Documentation of current infant, child and adult CPR and standard first aid training for you, any staff, or volunteer who will be counted in staff/child ratios;
 - (b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older;
 - (c) Documentation of HIV/AIDS training and the availability of blood borne pathogens information for you, staff and volunteers who have child care responsibility;
 - (d) Documentation of the local health authority or state department of health approval of your private water supply and independent sewage system, if applicable;
 - (e) A copy of your policies and procedures you give to parents; and
 - (f) Any additional reports or information pertaining to your ability to follow the WACs regarding you, staff, volunteers, members of your household or any other person having access to the child in care if your licensor requests it.

WAC 388-296-0170 Am I required to pay a fee when applying for a family home child care license?

You must pay the financial services administration a nonrefundable license fee of twenty-four dollars. This must be in the form of a check or money order. You must pay the license fee each year before or on your anniversary date.

WAC 388-296-0180 Am I required to have a criminal history background check?

- (1) At the time you apply for a license you must submit a completed background check form and finger print card if required to the background check central unit (BCCU) for each person who will have unsupervised access to children in your care. This includes:
 - (a) You;
 - (b) Members of your household sixteen years and older;
 - (c) Staff;
 - (d) Volunteers; and
 - (e) Other persons living at the same address as you.
- (2) When you plan to have new staff or volunteers, you must require each person to complete and submit to you by the date of hire a criminal history and background check form:
 - (a) You must submit this form to the BCCU for the employee and volunteer, within seven calendar days of the employee's or volunteer's first day of work, permitting a criminal and background history check.
 - (b) The employee and volunteer must not have unsupervised access to the children in care until they have been cleared by a full background check.
 - (c) We must discuss the result of the criminal history and background check information with you, when applicable.

WAC 388-296-0190 What happens after we receive the background information?

After we receive the background information we:

- (1) Compare the background information with convictions/actions posted on the DSHS secretary's list of disqualifying convictions/actions for economic services administration (ESA). The complete list can be found at http://www1.dshs.wa.gov/pdf/esa/dccel/Crime_and_Backg_Chex.pdf.
- (2) Review the background information using the following rules:
 - (a) A pending charge for a crime is given the same weight as a conviction;
 - (b) If the conviction has been renamed it is given the same weight as the previous named conviction. For example, larceny is now called theft;
 - (c) Convictions whose titles are preceded with the word "attempted" are given the same weight as those titles without the word "attempted"; and
 - (d) The crime will not be considered a conviction for the purposes of the department when it has been pardoned or a court of law acts to expunge, dismiss, or vacate the conviction record.
- (3) Conduct a character, competence and suitability assessment of you, your family members, staff, volunteer or any one else living at the same address as you if an individual is not automatically disqualified by a conviction record, pending charges and/or findings of abuse, neglect, exploitation or abandonment of a child or vulnerable adult.
- (4) Notify you whether or not we are able to approve you, family members residing with you, staff, volunteer or anyone else living at the same address as you to have access to children in a licensed facility.

WAC 388-296-0195 When will I be disqualified from providing licensed child care?

- (1) If you have background containing any of the convictions/actions posted on the DSHS secretary's list of permanently disqualifying convictions/actions for ESA, you are permanently disqualified from providing licensed child care.
- (2) If you have a background containing any of the convictions posted on the DSHS secretary's list of nonpermanent disqualifying convictions for ESA, you are disqualified from providing licensed child care for five years after the conviction date.
- (3) You can be disqualified from providing licensed child care if you have a background containing information other than conviction information that we determine:
 - (a) Makes you not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care; or
 - (b) Puts the household at risk for harm.

WAC 388-296-0200 Will my license be denied or revoked if I have been disqualified from providing licensed child care?

Your license will be denied or revoked if you are disqualified from providing licensed child care.

WAC 388-296-0205 When will my family members, staff, volunteer, and other people who live at the same address as me be disqualified from having access to children in a family home child care?

- (1) If a family member, staff person, volunteer, or other person living at the same address as you has a background containing any of the convictions/actions posted on the DSHS secretary's list permanently disqualifying convictions/actions for ESA, they are permanently disqualified from having access to children in a family home child care.
- (2) If a family member, staff person, volunteer or other person living at the same address as you has a background containing any of the convictions/actions posted on the DSHS secretary's list of nonpermanent disqualifying convictions/actions for ESA, they are disqualified from having access to children in a family home child care for five years after the conviction date.
- (3) A family member staff person volunteer, or other person living at the same address as you can be disqualified from having access to children in a family home child care if they have a background containing information other than conviction information that we determine:

- (a) Makes the individual not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care, provided that the individual is responsible for the care of children; or
- (b) Puts the household at risk for harm.
- (4) The department notifies a staff person if they have been disqualified from having access to children in a family home child care. The disqualified staff person has a right to a hearing to contest the department's disqualification action pursuant to WAC 388-06-0240.

WAC 388-296-0210 What are my responsibilities if I am notified that a family member, staff person, volunteer, or anyone else living at the same address as me has been disqualified?

If we inform you that a family member, staff person, volunteer, or anyone else living at the same address as you has been disqualified, you must ensure that the disqualified person does not have access to children in the licensed facility.

WAC 388-296-0215 Will my license be denied, suspended, or revoked if a family member, or someone else living at the same address as me has been disqualified from having unsupervised access to children?

Your license will be denied or revoked if your family member or any other person who is living at the same address as you has been disqualified from have unsupervised access to children.

WAC 388-296-0220 Must I keep the results of the background checks on family members, staff and volunteers?

You must keep for a period of three years, all background check results for you, your family, staff, volunteers and any other persons required to have a background check.

WAC 388-296-0230 What CPR (cardiopulmonary resuscitation) and first aid training is required?

- (1) You and any staff or volunteer who is counted in staff/child ratios must have the following current CPR and first aid training. CPR and first aid training must be in accordance with a nationally recognized standard for:
 - (a) Infant, child and adult CPR; and
 - (b) Basic standard first aid.
- (2) You must keep records on the premises and available to the department on request, showing who has completed current CPR and first aid training. This includes copies of the certificate of completion for the training for each person responsible for the care of children.

WAC 388-296-0240 What HIV/AIDS training and blood borne pathogen information is needed?

- (1) You, your staff and volunteers who are responsible for the care of children must complete training on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).
- (2) You must have a blood borne pathogen plan that includes;
 - (a) A list of caregivers who may be exposed to blood borne pathogens;
 - (b) A plan which addresses how to clean up body fluid spills, including blood, feces, nasal and eye discharge, saliva, urine and vomit.
 - (c) Document a plan addressing hand washing, use of gloves, proper disinfection of contaminated items and disposal of waste materials.

WAC 388-296-0250 How long do I have to complete the licensing application process?

- (1) You must complete the licensing application process including the home inspection and supporting documents, such as training certificates, within ninety days of first applying for your license.
- (2) If you don't meet this deadline and have not contacted your licenser, we consider your application withdrawn.

WAC 388-296-0260 Do I need to renew my license?

- (1) You are required to renew your license every three years.
- (2) We send a relicensing packet one hundred twenty days before the expiration of your license.
- (3) You must send the completed application form to your licenser at least ninety days before your current license expires.
- (4) We close your license if it expires and we have not received a renewal application.

WAC 388-296-0270 Am I required to submit an application if I move to a new address while my license is current?

- (1) If you move, have an acceptable history of child care, and plan to continue to operate your family home child care business you must submit an application with all supporting documentation for the new address, before you move.
- (2) If you have submitted an application for the new address prior to moving, we allow you to operate at your new address for up to two weeks. If you are unable to meet the health and safety requirements at your new address within the two week period, you must stop operating the child care business until you become licensed at the new address (per RCW 74.15.100).
- (3) If you move and do not tell us, your license becomes invalid on the date of your move.

WAC 388-296-0280 May a family home child care have more than one type of license to provide care to children?

- (1) A family home child care may have only one type of license with these exceptions:
 - (a) Care of the other client category does not interfere with the quality of child care provided; and
 - (b) The most stringent capacity limitations are maintained.
- (2) Dual licenses are subject to our approval.

WAC 388-296-0290 What hours may a family home child care be open?

- (1) You may operate your family home child care business twenty-four hours a day.
- (2) If you provide nighttime care you or a qualified primary staff person must be awake when children are dropped off and picked up at your home.
- (3) A child may remain in care a maximum of ten hours each day. If needed, you may extend the time based on the parent's typical work schedule and travel from and to the child care.
- (4) If you provide nighttime care you must adapt the activities, routines and equipment to meet the physical and emotional needs of the child away from home at night. These must include:
 - (a) Arrangements made for bathing as needed;
 - (b) Standard night wear and individual toiletry items for each child;
 - (c) The required beds and bedding (WAC 388-296-1070);
 - (d) Separate dressing and sleeping areas for boys and girls ages four years and older and for other children demonstrating a need for privacy;
 - (e) Maintain staff to child ratios during sleeping hours;
 - (f) A plan approved by the licenser describing how you will ensure the physical safety and emotional well-being of children during sleeping hours.

WAC 388-296-0300 What does the department look for when inspecting my home for licensed child care?

We inspect your home to determine if it meets the minimum standards for:

- (1) The health and safety of young children; and
- (2) The social, emotional, physical and cognitive needs of young children.

NOTE: This section of chapter 388-155 WAC will remain in effect until a new
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section of chapter 288-296 WAC replaces it. This section's effective date is 9/16/01.

WAC 388-155-080 Issuance of license.

- (1) The department issues the applicant or licensee a license for a specific number of children dependent on the:
 - (a) Department's evaluation of the home's premises and physical accommodations;
 - (b) Number and skills of the licensee, assistant, and volunteers; and
 - (c) Ages and characteristics of the children served.
- (2) The department:
 - (a) May issue the applicant or licensee a license to care for fewer children than the home's maximum capacity; and
 - (b) Must not issue the applicant or licensee a license for the care of more children than permitted under this chapter.

WAC 388-296-0320 How many children may I care for?

- (1) We may license you to care for a maximum of twelve children for family home child care. We determine the number of children that you may serve after looking at these factors:
 - (a) Physical environment in the home;
 - (b) The number of approved staff available for providing care;
 - (c) Your education and licensed child care experience and the skills of your staff and volunteers;
 - (d) Ages, characteristics and needs of the children served;
 - (e) The number and ages of your own children and other children residing in the home eleven years of age and under; and
 - (f) The supply of developmentally appropriate toys and equipment for the ages and stages of children you care for.
- (2) Based on these factors, we may license you for the care of fewer children than your family home child care could house.

WAC 388-296-0330 Is there more than one category of license?

We issue three types of licenses:

- (1) Initial (see WAC 388-296-0340);
- (2) Full (see WAC 388-296-0350); and
- (3) Probationary (see WAC 388-296-0440).

WAC 388-296-0340 When will the department issue an initial license to me?

- (1) If you are not currently licensed we may issue an initial license to you to provide child care when all the health and safety rules have been met, but you:
 - (a) Cannot demonstrate compliance with the rules pertaining to:
 - (i) Supervision;
 - (ii) Capacity;
 - (iii) Behavior management;
 - (iv) Activity and routines; and
 - (v) Child records and information.
 - (b) Can provide a plan that is acceptable to us, to comply with rules found in subsection (1)(a) of this section.
- (2) We may issue an initial license to you for a period not to exceed six months, renewable for a period not to exceed two years.
- (3) We must evaluate your ability to follow all the rules contained in this chapter during the initial licensing period prior to issuing a full license.

WAC 388-296-0350 When will the department issue a full license to me?

- (1) We may issue a full license to you when you can demonstrate compliance with all rules contained in this chapter at any time that you have an initial license.
- (2) We must not issue a full license to you if you do not demonstrate the ability to comply with all rules contained in this chapter during the period you have an initial license.

FINES, REGULATORY VIOLATIONS AND CORRECTIVE ACTION

WAC 388-296-0360 What happens if I fail to follow the rules?

- (1) If you fail to follow the rules, we notify you of the violation in writing and unless the health, safety or welfare of children in care is threatened, we provide you with an opportunity to come into compliance before we take adverse licensing action. The notice provides:
 - (a) A description of the violation and rule that was broken;
 - (b) A statement of what is required to comply with the rules;
 - (c) The date by which we require compliance; and
 - (d) The maximum financial penalty (civil fine) that you must pay if you do not comply with the rules by the required date.
- (2) We may fine you seventy-five dollars a day for each violation of the licensing rules.
- (3) We may assess and collect the penalty with interest for each day you

fail to follow the rules.

- (4) We may impose a civil penalty in addition to other adverse actions against your license including probation, suspension and revocation.
- (5) We may, but are not required to, withdraw the fine if you come into compliance during the notification period.
- (6) If we assess a civil penalty you have the right to an adjudicative proceeding as governed by RCW 43.20A.215 and chapter 388-02 WAC.
- (7) If you do not request an adjudicative proceeding you must pay the civil fine within twenty-eight days after you receive the notice.

WAC 388-296-0370 How does the department notify me if I am in violation of the licensing rules and what am I required to do?

If you are in violation of the licensing rules we issue a notice to you called a facility licensing compliance agreement.

- (1) You are required, with technical assistance from your licenser if you request it, to write a corrective action plan stating:
 - (a) How you plan to correct the violations; and
 - (b) When the violations will be corrected.
- (2) You must:
 - (a) Sign the agreement;
 - (b) Return a copy of the completed agreement to us; and
 - (c) Comply with the agreement.

WAC 388-296-0380 How does the department determine the amount of time I have to make corrections?

The length of time that you have to make corrections depends on:

- (1) The seriousness of the violation;
- (2) The potential threat to the health, safety and well being of children in care; and
- (3) The number of times you have failed to follow the rules.

WAC 388-296-0390 What does the department base a fine on?

Fines are determined based on any violation of a licensing rule and according to the following conditions:

- (1) You have allowed the existence of any condition that creates a serious safety or health risk;
- (2) You or any person uses corporal punishment, or humiliating methods of control or discipline;
- (3) You or any primary staff person fail to provide the required supervision;
- (4) You fail to provide required light, ventilation, sanitation, food, water or heating;
- (5) You provide care for more than the highest number of children permitted by the license; or
- (6) You repeatedly fail to follow the rules. (Any repeat violation that has been the subject of a corrective action notification under WAC 388-296-0360.)

WAC 388-296-0400 Am I required to inform the public if the department has assessed a civil penalty to me?

- (1) You must post the final notice of a civil penalty in the licensed space of your child care where the public can easily view it; and
- (2) You must keep the notice posted until we receive payment.

WAC 388-296-0410 What happens if I fail to pay the fine?

If you fail to pay a fine within ten days after the fine assessment becomes final, we may suspend, revoke or not renew your license.

WAC 388-296-0420 Does the department assess a civil penalty if I provide unlicensed child care?

We may fine you seventy-five dollars per day for each day you provide unlicensed child care.

WAC 388-296-0430 What will happen if the department believes I am providing

unlicensed child care?

We send written notice to you if we think you are providing unlicensed child care. The notice explains:

- (1) Why we think you are providing unlicensed child care;
- (2) The law that prohibits unlicensed child care;
- (3) That you must stop providing child care until you get a license;
- (4) How to contact DCCEL;
- (5) How to apply for a license;
- (6) That the fine may be lifted if you apply for a license;
- (7) Your right to an adjudicated proceeding if we assess a monetary penalty; and
- (8) How you can ask for an adjudicative proceeding.

WAC 388-296-0440 When would the department issue a probationary license?

- (1) We may, but are not required to, issue a probationary license as part of a corrective action plan with a licensed provider. In addition to issuing you a probationary license, we may also assess civil penalties or other sanctions.
- (2) We must base our decision about whether to issue a probationary license on the following:
 - (a) Intentional or negligent noncompliance with the licensing rules;
 - (b) A history of noncompliance with the rules;
 - (c) Current noncompliance with the rules; and
 - (d) Any other factors relevant to the specific situation.
- (3) When we issue you a probationary license you must give notification of your probationary license status to:
 - (a) The parents or guardians of all children in your care, within five working days of receiving notification from us; and
 - (b) New applicants for child care, before enrolling new children.
- (4) The notification must be in writing and must be approved by us prior to being sent.
- (5) Within ten working days of receiving notification of the probationary license, you must provide documentation to us that parents or guardians of all children in your care have been notified.
- (6) We may issue a probationary license for up to six months. We may extend the probationary license for an additional six months.
- (7) You must return your full license to us.

WAC 388-296-0450 When will my license be denied, suspended or revoked?

- (1) When you demonstrate that you cannot provide the required care for children in a way that promotes their safety, health and well-being we must deny, suspend or revoke your license.
- (2) We must deny, suspend or revoke your license if you:
 - (a) Have been disqualified by your background check (see DSHS secretary's list of disqualifying convictions for ESA at http://www1.dshs.wa.gov/esa/dccel/pdf/Crime_and_Backg_Chex.pdf);
 - (b) Have been found to have committed or have allowed others to commit child abuse, child neglect or exploitation, or you or others you supervise treat, permit or assist in treating children in your care with cruelty, or indifference;
 - (c) Fail to report instances of alleged child abuse, child neglect and exploitation to children's administration intake or law enforcement when an allegation of abuse, neglect or exploitation is reported to you;
 - (d) Or anyone residing at the same address as you had a license denied or revoked by an agency that provided care to children or vulnerable adults;
 - (e) Try to get or keep a license by deceitful means, such as making false statements or leaving out important information on the application;
 - (f) Commit, permit or assist in an illegal act at the address of your child care business;
 - (g) Use illegal drugs, or excessively use alcohol or abuse prescription drugs;
 - (h) Knowingly allow employees or volunteers with false statements on their applications to work at your facility;

- (i) Repeatedly lack the required number of qualified staff to care for the number and types of children under your care;
- (j) Repeatedly fail to provide the required level of supervision for a child in care;
- (k) Repeatedly care for more children than your license allows;
- (l) Refuse to allow our authorized staff and inspectors requested information or access to your licensed space and premises, child and program files, or staff and children in care; or
- (m) Are unable to manage the property, fiscal responsibilities, or staff in your facility.

WAC 388-296-0460 Are there any other reasons that could potentially cause me to lose my license?

- (1) We may suspend or revoke your license if you go beyond the conditions of your license by caring for children with ages different than your license allows.
- (2) Repeatedly fail to comply with the licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

WAC 388-296-0470 How will the department notify me if my license is denied, suspended, or revoked?

- (1) We send you a certified letter and/or personally deliver a letter informing you of any decision to deny, suspend or revoke your license.
- (2) In the letter we also inform you what you may do if you disagree with the decision to deny, suspend or revoke your license.

WAC 388-296-0480 What may I do if I disagree with the department's decision to deny, suspend, revoke, or modify my license?

- (1) You have the right to appeal any decision we make to deny, suspend, revoke or modify your license.
- (2) Your right to appeal and the procedures for that process are outlined in RCW 43.20A.205 and 74.15.130, chapter 34.05 RCW and chapter 388-02 WAC.

BUSINESS PRACTICES

WAC 388-296-0490 What written procedures am I required to establish for my child care business?

- (1) You must develop written procedures for:
 - (a) Keeping child records current;
 - (b) Routine communication with parents about their child's activities;
 - (c) Expectations of primary staff, assistants and volunteers;
 - (d) Emergency procedures including staffing emergencies, evacuation plans, sick or injured children and medical emergencies;
 - (e) Off-site activities;
 - (f) Confidentiality; and
 - (g) All other policies and procedures that you will follow in your child care business.
- (2) You must train your staff and volunteers and have available to them the program's philosophy and all written procedures listed in subsection (1) of this section.
- (3) You must review all written policies and procedures and revise them when they no longer describe your current practice.

WAC 388-296-0500 What written information am I required to give to parents?

You are required to give to parents a copy of the policies and procedures that you will follow in your family home child care. This written information must include:

- (1) Enrollment and admission requirements;
- (2) The fee and payment plan;
- (3) A typical daily schedule, including hours of operation;
- (4) Typical meals and snacks served, including guidelines on food brought from the child's home;
- (5) Permission for free access by the child's parent or guardian to all home areas used by the child, the child's records, and the staff during your operating hours;

- (6) Child abuse, neglect and exploitation reporting requirements;
- (7) Child guidance and discipline;
- (8) Requirements for maintaining accurate and up to date certificate of immunization status (CIS) records;
- (9) No smoking policy;
- (10) Policy regarding pets;
- (11) Sign-in and sign-out procedures;
- (12) Infant sleeping safety requirements to reduce the risk of Sudden Infant Death Syndrome (SIDS);
- (13) Nondiscrimination statement;
- (14) Religious activities, if any;
- (15) Transportation and field trip arrangements;
- (16) Typical staffing plan when you are absent;
- (17) Health care practices, including but not limited to information about the home's general health practices concerning:
 - (a) Injury prevention;
 - (b) Medication management;
 - (c) First aid, including medical emergencies;
 - (d) Plan for excluding persons whose presence on the premises is prohibited by regulations;
 - (e) Practices concerning an ill child;
 - (f) Communicable disease prevention, management and reporting;
- (18) Disaster plan; and
- (19) Supplies and clothing to be provided by the parents.

WAC 388-296-0510 What forms am I required to have before a child can attend my child care program?

Prior to admission, you must have a file for each child that contains:

- (1) A completed child's enrollment form that is signed and dated by the parent;
- (2) Child's complete name, birth date and date admitted;
- (3) Full name of parents, home and daytime telephone numbers and address;
- (4) Name, address and home and daytime telephone numbers of two persons to contact in an emergency if the parent cannot be reached;
- (5) Name, address, home and daytime telephone numbers of persons, if any, authorized to sign-in and sign-out the child;
- (6) Name and telephone numbers of child's health care provider and dentist;
- (7) Description of child's health history, date of the child's last physical exam, current medications, allergies, special dietary requirements and other identified special needs;
- (8) Signed permission by parent to authorize emergency medical and dental care and associated transportation; and
- (9) Completed immunization form listing types and dates of immunizations.

WAC 388-296-0520 How long must I keep child records and what am I required to document while operating my business?

- (1) A child's presence in the child care must be documented, on a daily basis, by the child's parent or guardian or an authorized person by using the sign-in and sign-out procedure for each child in attendance. The parent, guardian or authorized person must use their full signature when signing the child in and out of the child care.
- (2) When the school age child arrives at or leaves the child care home due to school or off-site activities as authorized by the parent, you or your staff must sign out the child, and sign in the child on return to the home.
- (3) Daily attendance records, listing the dates and hours of attendance of each child must be kept up-to-date and maintained in the licensed space of the family home child care for five years.
- (4) When a child is no longer enrolled, the date of the child's withdrawal must be recorded in the child's file. You must maintain the child's file for at least five years from the child's last date of attendance. After five years the file may be destroyed or returned to the parent. The child's file must be made available for review by the child's parents and us during this period.
- (5) You must call and report, within twenty-four hours to:
 - (a) Children's administration intake an incident or injury that

- required the services of a medical professional, including a dentist, that occurred while the child was in attendance.
- (b) DCCEL and to animal control any incident where a child is bitten by an animal while in attendance.
 - (c) DCCEL any fire on your premises that required the use of a fire extinguisher or the services of a fire department.
- (6) You must submit a written incident report to the child's parent and to your licensor within two working days of the same incident or injury as described in subsection (3) of this section.
 - (7) You must acquire written parental permission for field trips. You must notify parents in advance when you plan to use vehicles to transport children. Parents may grant general authorization for walking field trips.
 - (8) You must maintain all records and reports required by these regulations in an up-to-date manner at the facility. The records and reports are subject to inspection and you must allow us access to them at the time we request them.

WAC 388-296-0530 Am I required to keep child and family records confidential?

You and your staff must observe confidentiality with regard to child and family records and family information. Confidential conversations regarding children and families must be held in private.

WAC 388-296-0540 What items am I required to post and where do I post them?

You are required to post these items in the licensed space of your family home child care where the public can easily view them:

- (1) The home's child care license issued under this chapter;
- (2) Evacuation plans and procedures, that include a written record of the required monthly fire drills and smoke detector checks;
- (3) Emergency telephone numbers;
- (4) Any civil penalty imposed; and
- (5) You must post a notification advising parents that you are required to keep the following licensing information available on site for their review:
 - (a) Copies of the most recent family home child care checklist for licensing renewal and facility licensing compliance agreement for any deficiencies noted; and
 - (b) Copies of the most recent family home child care monitoring checklist and facility licensing compliance agreement for any deficiencies noted.

WAC 388-296-0550 What change of circumstance must I report to my licensor?

- (1) Before making any change to your licensed space you must report to your licensor any changes you plan to make. Examples of changes include but are not limited to:
 - (a) Planned use of space not previously approved by us; and
 - (b) Plans for remodeling the home.
- (2) You must also report any of the following changes to your licensor within twenty-four hours:
 - (a) The number and qualifications of you, your staff and volunteers that may affect the ability to carry out the specified activities and routines of the family home child care or meet the requirements of the WAC, such as a change in a person's criminal history;
 - (b) A marriage, separation or divorce;
 - (c) Persons moving in or out of the household;
 - (d) Your phone number;
 - (e) Occurrence of a fire, structural change, or damage to the premises from any cause; and
 - (f) The serious illness or incapacity of you and any other member of your household.

FIRE SAFETY

WAC 388-296-0560 What are the occupancy restrictions for a family home child

care?

- (1) Any home used for child care purposes for fewer than thirteen children is considered to be a Group R, Division 3 occupancy by the state building code.
- (2) If a portion of the home is used for purposes that could pose a hazard such as an automotive repair shop, cabinet or furniture making or refinishing or similar use, a firewall is required between the dwelling and the other use.
- (3) One exit door from a family home child care must be of the pivoted or side hinged swinging type. You may use approved sliding doors for other exits.
- (4) Each floor level used for family home child care purposes must have two exits, usually located at opposite ends of the building or floor.
- (5) You must not use basements located more than four feet below grade level for family home child care purposes unless one of the following conditions exists:
 - (a) Two exit stairways from the basement open directly to the exterior of the building without entering the first floor;
 - (b) One of the two required exits opens directly to the exterior from the basement level and the other exit is an interior stairway with a self-closing door installed at the top or bottom leading to the floor above;
 - (c) One of the two required exits is a working window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court, and the other may be an approved interior or exterior stairway; or
 - (d) A residential sprinkler system is provided throughout the entire home in accordance with standards of the National Fire Protection Association.
- (6) Except as permitted in subsection (7) below, you must ensure that any floor located more than four feet above grade level is not occupied by children for family home child care purposes except for the use of toilet facilities while under supervision of a staff person.
- (7) Family home child care is allowed on the second story if one of the following conditions exists:
 - (a) Two exit stairways from the second story open directly to the exterior of the building without entering the first floor;
 - (b) One exit opens directly to the exterior from the second story level, and a second interior stairway with a self-closing door installed at the top or bottom of the interior stair leading to the floor below; or
 - (c) A residential sprinkler system is provided throughout the entire building in accordance with standards of the National Fire Protection Association.
- (8) The maximum distance from any point in the home to an exterior exit door must not exceed one hundred fifty feet.
- (9) Every room used for child care (except bathrooms) must have:
 - (a) At least one working window or door approved for emergency escape or rescue that opens directly into a public street, public alley, yard or exit court. The units must work from the inside to provide a full clear opening without the use of separate tools.
 - (b) The net clear open area of an escape or rescue window must be a minimum of 5.7 square feet. The net clear open height dimension must be a minimum of twenty-four inches. The net clear open width dimension must be a minimum of twenty inches.
- (10) An escape or rescue window must have:
 - (a) A finished sill height of not more than forty-four inches above the floor;
 - (b) Doors leading to two separate exit ways; or
 - (c) A door leading directly to the exterior of the building.
- (11) You may use a stationary platform under a window to attain the required forty-four inches above the floor.
- (12) Exit doors must be easy to open to the full open position.
- (13) Exit doors and windows must be of the type that can be opened from the inside without having to use a key. You must not use during child care hours:

- (a) Night latches;
 - (b) Deadbolts;
 - (c) Security chains; or
 - (d) Manually operated edge or surface mounted flush bolts and surface bolts.
- (14) The locking arrangement on outside exit doors must automatically unlock when the doorknob is turned from the inside.
 - (15) You must ensure that obstructions are not placed in corridors, aisles, doorways, doors, stairways or ramps.
 - (16) You must not use for child care purposes any space that is accessible only by ladder, folding stairs or trap doors.
 - (17) Every bathroom door lock must be designed to permit the opening of the locked door from the outside in an emergency. The opening device must be readily accessible to the staff.
 - (18) Every closet door latch must be the type that children can open the door from inside the closet.

WAC 388-296-0570 What are the requirements for hazardous areas of my home?

If you have rooms or spaces containing any of the following commercial-type items or utilities, they must be separated from the family home child care or any exits by a fire wall:

- (1) Kitchen;
- (2) Boiler;
- (3) Maintenance shop;
- (4) Janitor closet;
- (5) Laundry;
- (6) Woodworking shop;
- (7) Flammable or combustible storage;
- (8) Painting operation; or
- (9) Parking garage.

WAC 388-296-0580 What are the requirements for smoke detectors in my home?

- (1) You must have smoke detectors in all sleeping and napping rooms.
- (2) If your home has more than one story or a basement, you must install a smoke detector on each story and in the basement.
- (3) If a story or basement is split into two or more levels, you must install the smoke detector in the upper level, except that when the lower level contains a sleeping or napping area, you must locate a smoke detector on each level.
- (4) When sleeping or napping rooms are on an upper level, you must place the smoke detector on the ceiling of the upper level in close proximity to the stairway and in each sleeping or napping room.
- (5) If the ceiling height of a room open to the hallway serving sleeping or napping rooms exceeds that of the hallway by twenty-four inches or more, you must install smoke detectors in both the hallway and the sleeping or napping room.
- (6) Smoke detectors must sound an alarm audible in all areas of the building.
- (7) In new construction, required smoke detectors must receive their primary power from the building wiring when the wiring is served from a commercial source. Wiring must be permanent and without a disconnecting switch other than those required for over current protection.
- (8) Smoke detectors may be battery operated when installed in existing buildings or buildings without commercial power.
- (9) Where battery operated smoke detectors are installed, you must keep on the premises at least one extra battery of the type and size specified for the battery operated smoke detector.
- (10) You must test single station smoke detectors at monthly intervals or in a manner specified by the manufacturer. You must keep a record of the testing on the premises.

WAC 388-296-0590 Am I required to have other ways to sound a fire alarm?

In addition to single station smoke detectors, you must provide an alternate method for sounding a fire alarm in your family home child care. A police type whistle or similar device is adequate for meeting this requirement, as long as you use that method only for emergency evacuations.

WAC 388-296-0600 Are there requirements for fire extinguishers?

- (1) You must have at least one approved 2A, 10B:C rated fire extinguisher on each floor level occupied for child care use. You must locate the extinguisher along the path of the main fire exits. The maximum travel distance to an extinguisher must not exceed seventy-five feet.
- (2) Fire extinguishers must be operationally ready for use at all times.
- (3) You must keep fire extinguishers on a shelf or mounted in the bracket provided for this purpose so that the top of the extinguisher is not more than five feet above the floor.
- (4) You must ensure and have written documentation that fire extinguishers receive annual maintenance certification by a firm specializing in and licensed to do that type of work. Maintenance means a thorough check of the extinguisher to include examination of:
 - (a) Mechanical parts;
 - (b) Extinguishing agent; and
 - (c) Expelling means.

WAC 388-296-0610 What must I do to prevent fire in my home?

- (1) You must request the local fire department to visit your home to become familiar with the facility and to assist in planning evacuation or emergency procedures. If your local fire department does not provide this service, you must document that you made the request.
- (2) You must keep furnace rooms free of lint, grease and rubbish accumulations and other combustibles and suitably isolated, enclosed or protected.
- (3) You must store flammable or combustible materials away from exits and in areas that are not accessible to children. You must not allow combustible rubbish to accumulate, so you must remove it from the building or store it in closed, metal containers.
- (4) You must keep all areas used for child care clean and neat, making sure that all waste generated daily is removed from the building and disposed of in a safe manner outside the building. All containers used for the disposal of waste material must be of noncombustible materials with tops. You must keep electrical motors dust-free.
- (5) You must not leave on open-flame devices capable of igniting clothing, or leave them unattended or allowed to be used in a way that could result in an accidental ignition of children's clothing. You must not use, or allow the use of candles during operating hours.
- (6) You must keep a working flashlight available for use as an emergency power source.
- (7) You must properly maintain all electrical circuits, devices and appliances. Circuits must not be overloaded. You must not use extension cords and multi-plug adapters in place of permanent wiring and proper receptacles.
- (8) You must not use portable space heaters of any kind in any area of the child care home or building during child care hours.
- (9) Approved numbers or addresses must be placed on all new and existing homes and in the driveway to the house when the house is not visible from the road. You must place the numbers or address in a position where it is plainly visible and legible from the street or road fronting the property. To be more visible, the numbers must contrast with their background.
- (10) If you have fireplaces, woodstoves or similar devices, the local building official must approve them and any connections. Where open flames or hot surfaces are accessible, you must erect approved barriers to prevent children from coming in contact with the open flames or hot surfaces.

WAC 388-296-0620 What are the requirements for maintaining my sprinkler system?

If you have a sprinkler system in your home, you must have it tested on an annual basis by a person or agency licensed to test sprinkler systems. The results of the system test must be documented on forms provided by the licensor and maintained at the home for inspection by the licensor.

WAC 388-296-0630 Must I have a fire evacuation plan?

You must develop a written fire evacuation plan. The evacuation plan must include an evacuation floor plan, identifying exit doors and windows, and must be posted at a point clearly visible to the assistant and parents. Plans must include the:

- (1) Action to be taken:
 - (a) By the person discovering a fire;
 - (b) For evacuation of the building and assuring accountability of the children; and
 - (c) Pending arrival of the fire department.
- (2) Method to be used for sounding an alarm on the premises.

WAC 388-296-0640 Must I have fire evacuation drills?

You must:

- (1) Conduct a fire evacuation drill for each shift of operation at least once each month;
- (2) Maintain and post in the licensed area of your home:
 - (a) The fire safety record including date and time of fire drills; and
 - (b) Your evacuation plan.

WAC 388-296-0650 Are there any requirements for staff training related to fire safety?

You and each staff person and volunteer must be familiar with all elements of the fire evacuation plan and capable of:

- (1) Operating the fire extinguisher installed on the premises;
- (2) Testing smoke detectors (single station types); and
- (3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards discovered during the inspection.

HEALTH, ENVIRONMENT AND MEDICATION MANAGEMENT

WAC 388-296-0700 How often must staff wash their hands?

Staff and volunteers must wash their hands with soap and warm running water after:

- (1) Toileting or assisting children with toileting;
- (2) Diapering a child;
- (3) Using the bathroom;
- (4) Attending to an ill child;
- (5) Before and after preparing, serving, or eating food;
- (6) Before and after giving medications;
- (7) Handling, feeding or cleaning up after animals;
- (8) Handling bodily fluids;
- (9) Being outdoors or involved in outdoor play; and
- (10) As needed.

WAC 388-296-0710 How often must children wash their hands?

You and your staff must ensure that children thoroughly wash their hands or assist children with thoroughly washing their hands with soap and warm running water after:

- (1) Using the toilet;
- (2) The child is diapered;
- (3) Outdoor play;
- (4) Playing with animals;
- (5) Touching body fluids (such as blood or after nose blowing or sneezing);
- (6) Before and after the child eats or participates in food activities; and
- (7) As needed.

WAC 388-296-0720 What are the physical structure and equipment safety requirements for a family home child care?

You must keep the equipment and the physical structures, inside and outside of your home, safe and clean for the children you serve. You must not use your licensed space, both indoor and outdoor areas of the home where the children are being cared for, for any other business purpose during your operating hours. You must:

- (1) Maintain your home or building that includes the child care space and all child care equipment in a clean and sanitary condition, free of hazards, and in good repair;
- (2) Have stairways, steps and walkways that are well lit. Stairways must be equipped with securely mounted handrails within the reach of young children;
- (3) Have gates or other physical barriers, that prevent infants and toddlers from accessing stairways;
- (4) Have emergency lighting devices, such as a flashlight, available and in good working condition;
- (5) Provide furnishings in the licensed space of your child care that are safe, comfortable and match the developmental levels of all of the children in the home to include the size of the child, their abilities and activities;
- (6) Have furniture, equipment and climbing structures that are clean, sturdy, without sharp edges and do not present hazards. Bookcases and other shelving units must not present a tipping or falling hazard;
- (7) Have washable, water-resistant floors in your bathrooms, kitchens, and any other rooms exposed to moisture (this applies to anyone newly licensed on or after the date this rule takes effect);
- (8) Provide nonremoveable electrical outlet covers to all outlets accessible to children if you care for children five years and younger or other persons with limited mental capacity or who might be endangered by access to electrical outlets;
- (9) Have an unlocking device readily accessible to you and your staff for closet and bathroom doors that can be locked. You must not use a locking or fastening device on the outside of the door, that would prevent free escape;
- (10) Ensure that toys for infants and toddlers (or children at those developmental levels) are large enough to prevent swallowing or choking. Examples of some of the types of small objects that should be kept off the floor are:
 - (a) Pins of any type;
 - (b) Coins;
 - (c) Balloons; and
 - (d) Any small toys that are smaller than one and three-fourth inches in diameter.
- (11) Ensure that all art and play materials, for children under the age of three, are nontoxic;
- (12) Not have plastic bags, styrofoam objects and vinyl or latex gloves accessible to children under three years of age;
- (13) Prevent entrapment by ensuring there are no openings on indoor and outdoor climbers and platforms between three and one-half inches and nine inches;
- (14) Securely anchor to the ground climbing equipment and swings that have provisions for anchors. The play area must be arranged so children playing on one piece of equipment do not interfere with children playing on another piece of equipment;
- (15) Ensure that chains on swings have protective coverings and that swing seats are made of soft material with no sharp edges;
- (16) Ensure that tricycles and bicycles with chains have chain guards, and that children on bicycles, roller blades, skateboards, or scooters wear helmets;
- (17) Not use wheeled baby walkers; and
- (18) Not allow trampolines and rebounders in your licensed space.

WAC 388-296-0730 What are the requirements for the location of a family home child care?

- (1) Your home must be located in an area that is well drained, and is free from hazardous conditions. Some examples of hazards are natural or man-made water hazards such as lakes or streams, ponds, steep banks, ravines, and drainage ditches. Abandoned wells and holes must be filled in or sealed.
- (2) The safety of the children in care is essential. You must discuss with your licensor any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

- (3) If we decide that hazardous conditions are present at the home location you must write a supervision plan for the children in care.

WAC 388-296-0740 What are the requirements for emergency aid vehicle access to my home?

- (1) Your home must be accessible to emergency vehicles.
- (2) Your address must be clearly visible on your house or mailbox.

WAC 388-296-0750 What steps must I take to ensure children's safety around outdoor bodies of water?

- (1) You must ensure children in your care are safe around bodies of water.
- (2) You must empty and sanitize portable wading pools daily, and as needed when in use.
- (3) You or a qualified primary staff person must directly supervise all children in your care when they have access to wading pools, swimming pools and other bodies of water that are in your licensed space.
- (4) You must lock hot tubs and spas, and not use these during your operating hours.
- (5) You must place a five-foot fence, designed to discourage climbing, and have a locked gate around a pool of water. This includes swimming pools that are above or below ground level and ornamental pools. Bodies of water hazardous to young children must be inaccessible to children when you or a primary staff person are not providing direct supervision during your operating hours.
- (6) A certified lifeguard must be on duty when children are using a public or private (other than your own) swimming pool, lake, river, pond, ocean or any other body of water used for swimming.

WAC 388-296-0760 What measures must I take for pest control?

- (1) You must keep your premises free from pests, using the least toxic method possible. This includes rodents, flies, cockroaches, fleas, and other insects.
- (2) You must notify parents, guardians and any other interested party forty-eight hours in advance of the application of pesticides.

WAC 388-296-0770 What are the requirements regarding pets and animals at a family home child care?

- (1) All pets that have access to children, whether kept indoors or outside, must be in good health, show no evidence of disease and be nonaggressive.
- (2) Dogs and cats must have the required immunizations.
- (3) You must dispose of all pet waste daily and keep litter boxes inaccessible to children at all times.
- (4) You must have an area separate from the outdoor play space for pets to relieve themselves.
- (5) Staff must always be present when children play with pets.
- (6) If you have a pet, tell parents before enrolling the child. Some children have allergies that require the parent to make other child care arrangements.
- (7) Children and staff must wash their hands after handling pets or pet items.
- (8) Reptiles can carry salmonella. If reptiles are present, you must have safeguards in place to limit potential risk of transmission.
- (9) You must have a written plan, approved by your licensor, describing how you will protect children from health hazards, such as snake bites, if you have "exotic" pets such as iguanas, venomous or aggressive snakes, spiders, and some turtles.

WAC 388-296-0780 Are alcoholic beverages allowed during operating hours?

You, and any other person associated with the operation of your business and care of children must not drink alcohol or allow others to consume alcohol on your premises during your operating hours.

WAC 388-296-0790 Is smoking permitted around children?

- (1) You must prohibit smoking in your family home child care during all hours of operation (licensed or unlicensed space), and in motor vehicles

while transporting children.

- (2) You may permit adults to smoke outdoors in unlicensed space and out of view of children.

WAC 388-296-0800 May I have weapons at my home?

- (1) You must keep weapons and ammunition in secure, locked storage, at all times during your operating hours. "Secure, locked storage" means a locked storage container, gun cabinet, gun safe, or other storage area made of strong, unbreakable material.
- (2) If the cabinet has a glass or other breakable front, the guns need to be secured with a cable or chain placed through the trigger guards securing the guns in the storage unit.
- (3) You must store all firearms unloaded.

WAC 388-296-0810 Are there requirements for the storage of medications?

You are required to:

- (1) Keep all medications, including pet medications, vitamins and herbal remedies, in locked storage. For example, a pad lock, lock with key or a magnetic lock;
- (2) Store external medications separately from internal medications for the child in care;
- (3) Store medications according to the manufacturer or pharmacy instructions; and
- (4) Store pet and human medications in separate places.

WAC 388-296-0820 Are there requirements for storing dangerous chemicals or other substances?

- (1) You are required to store the following items in a place that is inaccessible to children, persons with limited mental capacity, or anyone who might be endangered by access to the following products:
 - (a) Cleaning supplies;
 - (b) Toxic or poisonous substances;
 - (c) Aerosols;
 - (d) Items with warning labels;
 - (e) Cosmetics; and
 - (f) Personal hygiene products.
- (2) When containers are filled with toxic substances from a stock supply, you must label the containers.
- (3) Toxic substances must be stored separately from food items.

WAC 388-296-0830 Are first-aid supplies required?

You must keep a first aid kit on hand for immediate use, in the licensed space of your child care, on a field trip and in your vehicle if you transport children. The first aid kit must include:

- (1) Nonsterile protective gloves;
- (2) Band-Aids of various sizes;
- (3) Small scissors and tweezers;
- (4) Ace bandages;
- (5) Sterile gauze pads;
- (6) An ice pack;
- (7) A mercury free thermometer for taking a child's temperature;
- (8) A large triangular bandage (sling);
- (9) Adhesive tape;
- (10) A one-way CPR barrier or mask;
- (11) A current first-aid manual; and
- (12) At least one unexpired bottle of Syrup of Ipecac that must be given only at the direction of a poison control center.

WAC 388-296-0840 What are the requirements for health care policies and procedures for a family home child care?

You must maintain current written health care policies and procedures that include, but are not limited to, the following areas:

- (1) When a child should not attend due to illness;
- (2) Cleaning and disinfecting procedures;
- (3) Reporting communicable diseases;
- (4) Infection control methods to include personal hygiene, hand washing,

- toileting, diapering, and laundering;
- (5) Food handling procedures;
- (6) Prevention of the transmission of communicable diseases including:
 - (a) Use of sanitizing chemicals; and
 - (b) Cleaning and sanitizing toys and play materials.
- (7) Medication management, including steps to be taken if medication is incorrectly administered;
- (8) Providing first aid;
- (9) Care of minor illnesses;
- (10) Actions to be taken for medical emergencies;
- (11) Infant care procedures when infants are under care;
- (12) Children with special needs; and
- (13) General health practices.

WAC 388-296-0850 Must all children in my care have current immunizations?

- (1) You are required to track each child's immunization status. To be sure children have the required immunizations for their age, you must:
 - (a) Ensure the child has a completed, current, certificate of immunization status form (CIS) submitted on or before the first day of child care;
 - (b) Develop a system to audit and update, as scheduled, the information on the CIS form;
 - (c) Meet any requirement of the department of health WAC 246-100-166; and
 - (d) Have available in your licensed space the CIS forms for review by the licensor.
- (2) You may accept a child who is not current with immunizations on a conditional basis if immunizations are:
 - (a) Initiated before or on enrollment; and
 - (b) Completed as rapidly as medically possible.
- (3) You may exempt the immunization requirement for the child if the parent or guardian:
 - (a) Signs a statement expressing a religious, philosophical or personal objection; or
 - (b) Furnishes a physician's statement of a valid medical reason for the exemption.

WAC 388-296-0860 What must I do to prevent the spread of infections and communicable diseases?

- (1) You must take precautions to guard against infections and communicable diseases.
- (2) You, your staff and volunteers with a reportable communicable disease in an infectious stage, as defined by the department of health, must not be on duty until you, your staff and volunteers have approval from the local health department for returning to work.
- (3) Applicants for a license, staff, volunteers and persons sixteen years and older authorized to have access to children in a family home child care must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless the person has evidence:
 - (a) Of negative testing within the previous twelve months;
 - (b) That they have a negative chest X ray since previously having a positive skin test; or
 - (c) Of having completed adequate preventive therapy or adequate therapy for active tuberculosis.
- (4) The department does not require a tuberculin skin test if a physician indicates that the test is medically inadvisable.
- (5) Persons whose tuberculosis skin test is positive must have a chest X ray within thirty days following the skin test.
- (6) The department does not require retesting at the time of license renewal, unless the licensee or staff person believes they have been exposed to someone with tuberculosis or if their health care provider recommends testing.

WAC 388-296-0870 How do I manage medications for children?

You must meet specific requirements for managing prescription and

nonprescription medication for children under your care. Only you or another, primary staff person may perform the functions described in this section.

- (1) You must have written approval of the child's parent or legal guardian to give the child any medication. This approval must not exceed thirty days.
- (2) You must:
 - (a) Keep a written record of all medications you give a child;
 - (b) Return any unused medication to the parent or legal guardian of the child;
 - (c) Give certain classifications of nonprescription medications, only with the dose and directions on the manufacturer's label for the age or weight of the child needing the medication. These nonprescribed medications include but are not limited to:
 - (i) Nonaspirin, fever reducers or pain relievers;
 - (ii) Nonnarcotic cough suppressants;
 - (iii) Decongestants;
 - (iv) Anti-itching ointments or lotions intended specifically to relieve itching;
 - (v) Diaper ointments and talc free powders intended specifically for use in the diaper area of children; and
 - (vi) Sun screen.
- (3) You must not administer any nonprescribed medication for the purpose of sedating a child;
- (4) You must not administer any prescribed medication in an amount or frequency other than that prescribed by a physician, psychiatrist or dentist;
- (5) You must not give one child's medications to another child; and
- (6) You must not use any prescribed medication to control a child's behavior unless a physician prescribes the medication for management of the child's behavior.

WAC 388-296-0880 What are the requirements for labeling and dispensing of medications to children?

The only medicine you may accept from the child's parent or legal guardian is medicine in the original container labeled with:

- (1) The child's first and last names;
- (2) The date the prescription was filled;
- (3) The medication's expiration date; and
- (4) Legible instructions for the administration of the drug (manufacturer's instructions or prescription label) that include:
 - (a) How to give the medication;
 - (b) How often to give the medication; and
 - (c) How to store the medications (proper temperature).

WAC 388-296-0890 When may children take their own medicine?

- (1) You may permit children under your care to take their own medicine if:
 - (a) They are physically and mentally capable of properly taking the medicine; and
 - (b) The child's parent or legal guardian approves in writing.
- (2) You must keep the written approval by the child's parent or legal guardian in your records.
- (3) When children take their own medication, you must keep the medication and medical supplies locked and inaccessible to other children and unauthorized persons.
- (4) You or a primary worker must observe and document that the medication was taken.

FOOD/NUTRITION/DIET

WAC 388-296-0900 Are there general nutrition requirements?

The meals and snacks you prepare and serve must meet the requirements of the U.S. Department of Agriculture Child and Adult Food Program, with the addition of:

- (1) A minimum of one serving of vitamin C fruit, vegetable or juice daily;

and

- (2) Servings of food high in vitamin A, provided three or more times weekly.

WAC 388-296-0910 How often must I feed children in my care?

- (1) You must provide the child in care for ten or less hours a minimum of:
 - (a) Two or more snacks and one meal; or
 - (b) Two meals and one snack.
- (2) You must provide the child in care for ten or more hours a minimum of, two or more meals and two snacks.
- (3) You must provide a snack for the child arriving after school.
- (4) The time interval between providing the child with food, during the day, can be no more than three and one-half hours.
- (5) The time interval between the evening meal or snack and breakfast must not be more than twelve hours.
- (6) The child in evening care must be fed dinner when the child did not receive dinner at home before arriving.
- (7) The child in overnight care must be offered breakfast in the morning if the child remains in the home after the child's usual breakfast time.

WAC 388-296-0920 What are the requirements for meals and snacks served to children in my care?

- (1) Food must be prepared and stored in a safe and sanitary manner and served at required intervals.
- (2) If you do not furnish meals, you must have the required supplemental food available in the event that no meal is provided by the parent or if the meal provided by the parent does not meet the required nutritional value.
- (3) If you provide meals:
 - (a) You must accommodate any food preferences for religious or medical reasons. If the meal patterns or serving sizes do not meet the child's nutritional needs, you must obtain a medical statement from the parent documenting the appropriateness of the variation.
 - (b) The servings must be in portions suitable for the size and age of the child in care. You must have a sufficient amount of food available to children to permit second helpings.
- (4) You must refrigerate perishable food, milk and formula.
- (5) You must make safe drinking water available to children at all times and must offer at intervals that are responsive to the needs of the individual children.
- (6) You may use:
 - (a) Disposable cups and plates if discarded after use; and
 - (b) Disposable plastic eating utensils if they are not easily broken by young children and are discarded after use.
- (7) You may not use styrofoam cups for infants or toddlers.

WAC 388-296-0930 How do I handle a child's special diet?

If a child has a food allergy/intolerance or special menu requirements due to a health condition you must receive written directions from the child's health care provider and parent to provide nutritional supplements or a medically modified diet. For allergy diets the parent and health care provider must identify the foods the child is allergic to.

WAC 388-296-0940 Are there special requirements for serving milk?

The type of milk served to children is determined by the child's age.

- (1) Serve only breast milk or formula to the child zero to twelve months of age;
- (2) Serve whole pasteurized milk or breast milk to children twelve to twenty-four months of age;
- (3) Serve only pasteurized milk or pasteurized milk product to children over twenty-four months of age.

WAC 388-296-0950 What home canned foods may I use?

You may not use any home canned food for the children in your care due to the risk of bacteria that may grow in food improperly canned, causing serious illness.

WAC 388-296-0960 What requirements must I meet for feeding infants?

You must meet the following requirements for feeding infants:

- (1) All formulas and breast milk must be in clean and sanitized bottles with nipples and labeled with the child's name and date prepared.
- (2) If the bottle has been sitting at room temperature for an hour or more, you must throw away the contents.
- (3) You must keep bottle nipples covered when not in use.
- (4) If you reuse bottles and nipples, you must wash and sanitize them.
- (5) You must hold infants while feeding.
- (6) Infants who are nine months of age or over, who want to hold their own bottles may be placed in a highchair if you or a primary staff person remain in the room, within eyesight.
- (7) You must take bottles from the child when the child finishes feeding, or when the bottle is empty.
- (8) You must not prop a bottle when feeding an infant.
- (9) You must not give a bottle or tippy cup to a child who is lying down.
- (10) You must not use a microwave oven to warm formula or breast milk in a bottle used for feeding.

SPACE REQUIREMENTS AND EQUIPMENT

WAC 388-296-0970 Are there requirements for the rooms that I use to provide child care?

- (1) You must use rooms that are the required size, and furnishings that are developmentally appropriate to the ages and number of children being served to actively engage in recreational and informal educational activities;
- (2) You must provide accessible storage space for each child in care to store their clothes and personal possessions; and
- (3) You must have the required amount of space to store your equipment, supplies, records, files, cots, mats and bedding.

WAC 388-296-0980 What does the room temperature need to be?

You must:

- (1) Maintain the temperature within your licensed space at:
 - (a) A minimum of sixty degrees Fahrenheit when children are sleeping or napping; and
 - (b) Sixty-eight degrees Fahrenheit or more when the children are awake.
- (2) Utilize electrical fans or an air conditioner to cool the house when the inside temperature reaches or exceeds eighty degrees Fahrenheit. Consider the age and needs of the children under your care in determining which temperature is appropriate.

WAC 388-296-0990 What are the kitchen requirements?

You must provide, use and maintain equipment to properly store, prepare, and serve food to meet the needs of the children under your care.

- (1) Appliances must be installed so that you can easily clean them and the areas around them.
- (2) Food contact surfaces must be free of cracks and crevices.
- (3) Range tops, ovens and refrigerators must be clean.
- (4) Wash tables with soap and water before and after each meal.
- (5) Wash counters with soap and water prior to food preparation.
- (6) If you cannot clean and sanitize dishes and utensils as required, use only disposable items.
- (7) Keep pets and their food out of the food preparation area. If this is not always possible keep pets out of the kitchen while you are preparing food.

WAC 388-296-1000 How do I wash, rinse and sanitize dishes and eating utensils?

You must use a dishwasher or the "three compartment method" which is a combination of sink compartments or dishpans made of plastic or other nonporous material:

- (1) Fill one sink compartment or dishpan with hot tap water and dishwashing

- detergent, and wash the items in this compartment.
- (2) Fill the second compartment or dishpan with hot tap water, and rinse the items in this compartment.
 - (3) Fill the third compartment or dishpan with cool water and one teaspoon liquid chlorine bleach for each gallon of water, and dip the items in this compartment to sanitize.
 - (4) Place the items in a rack to air-dry.

WAC 388-296-1010 May I use the kitchen for activities for children?

You may use the kitchen for activities for children. When children are in the kitchen, you must:

- (1) Make the kitchen environmentally safe for children to participate in planned kitchen activities; and
- (2) Supervise food preparation activities involving children.

WAC 388-296-1020 May I use a room for more than one purpose?

You may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided that:

- (1) The space you provide meets the required thirty-five square feet of useable space for the number of children in care; and
- (2) The room's usage for one purpose does not interfere with use of the room for another purpose.

WAC 388-296-1030 What are the general requirements for bedrooms?

If you use bedrooms for play or napping at your family home child care:

- (1) You or a primary staff person must be on the same floor where children are playing, napping or sleeping in bedrooms; and
- (2) Bedrooms must have at least one exit window that meets the fire safety requirements for an escape window.

WAC 388-296-1040 What are the requirements for mats and cots used for napping?

- (1) You must ensure the mat or cot is long enough and wide enough for the size of the child. A mat must be at least one inch thick to provide comfort for the child to nap.
- (2) The surface of mats and cots must be of a material that can be cleaned and sanitized (one-fourth teaspoon chlorine bleach per quart of cool water) and allowed to air dry.
- (3) You must clean the child's nap equipment once a week or as needed and between use by different children.
- (4) You must allow enough space between children to give staff access to children when napping.
- (5) You must ensure the child's bedding:
 - (a) Consists of a clean sheet or blanket to cover the sleeping surface and a clean, suitable cover for the child (children must not nap directly on the waterproof covering or the floor);
 - (b) Is laundered as needed (such as when soiled, used by different children); and
 - (c) Is stored separately from bedding used by another child.

WAC 388-296-1050 What are the requirements for the use of cribs?

- (1) You must provide a child under two years with a single-level crib, toddler bed, or playpen for napping until you and the parent agree that the child can safely use a mat, cot or other approved sleeping equipment.
- (2) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants less than six months of age.
- (3) Cribs, toddler beds, and playpens must:
 - (a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily cleaned and sanitized, without tears or tape; and
 - (b) Be made of wood, metal, or approved plastic with secure latching devices.
- (4) Each crib or bed must be arranged to allow staff access to children.
- (5) Children must not sleep in car seats, swings or other similar equipment.

WAC 388-296-1060 What sleeping arrangements must I make to reduce the risk of sudden infant death syndrome (SIDS)?

You must follow the recommendations of the American Academy of Pediatrics (AAP) for putting infants down to sleep.

- (1) You must put infants to sleep on their backs to reduce the risk of SIDS unless you have a written note in the infant's file from both the parent and the infant's health care provider requesting another sleeping position;
- (2) Once infants are able to turn over, continue to place them on their back to sleep. If the infant has turned over while sleeping you do not need to return the infant to his or her back;
- (3) Place the infant inside the crib, infant bed or playpen on a firm mattress with a tight fitting sheet;
- (4) You must not use soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the crib;
- (5) You must make sure that the infant's head and face remain uncovered during sleep;
- (6) You must not allow smoking around the infant; and
- (7) You must not let the infant get too warm during sleep.

WAC 388-296-1070 What are the requirements for beds?

- (1) Each child in overnight care must have their own bed. The bed must be at least twenty-seven inches wide with a clean and comfortable mattress in good condition.
- (2) For each child in care who is two years and older, you must provide a pillow and pillowcase, blankets, and sheets. A slumber bag, designed for indoor use can substitute for a blanket and sheet.
- (3) Pillows must be covered with waterproof material or be washable.
- (4) Bedding must be clean.
- (5) If the child using the mattress is not toilet trained, you must provide waterproof mattress covers or moisture resistant mattresses.
- (6) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the child's size.
- (7) You must not allow children under the age of six years to use loft style beds or upper bunks of double-deck beds.
- (8) You may use a mat for napping but not as a substitute for a bed.

WAC 388-296-1080 What is the requirement for napping and resting?

- (1) You must offer and supervise a rest period of at least thirty minutes for the child;
 - (a) Five years of age and under who remain in care more than six hours; or
 - (b) Showing a need for rest.
- (2) You must not require or force children to sleep.
- (3) You must provide a space, away from the napping children, for quiet play for the children who don't require sleep.

DIAPER CHANGING AND BATHING FACILITIES

WAC 388-296-1090 What are the requirements for diapers and diaper-changing areas?

- (1) You must separate diaper-changing areas from areas where food is stored, prepared or served.
- (2) There must be a sink for hand washing close to the diaper changing area with running hot and cold water. This sink must not be used for food preparation and clean up.
- (3) You must have a sturdy, easily cleanable structure, or mat with a nonabsorbent surface for diaper changing. If you use a mat it must be large enough to prevent the surface underneath from becoming contaminated with bodily fluids.
- (4) You and your staff must wash hands before and after diapering each child.
- (5) You and your staff must maintain contact with the child being diapered at all times while changing diapers.

- (6) For cleaning children, you must:
 - (a) Use either disposable towels or clean cloth towels that have been washed and sanitized between each use; and
 - (b) Assist a child in hand washing, after changing the diaper.
- (7) You and your staff must place the diaper, without rinsing, directly into a waste container (used only for soiled diapers) that has a tight cover, is lined with a disposable plastic trash bag, and is within arm's reach of the diaper changing area.
- (8) You and your staff must use:
 - (a) Disposable diapers;
 - (b) A commercial diaper service;
 - (c) Reuseable diapers supplied by the child's family; or
 - (d) Washable training pants.
- (9) You and your staff must clean and sanitize (one tablespoon chlorine bleach per quart of cool water) diaper-changing areas between each use or you must use a nonabsorbent, disposable covering that you discard after each use.

WAC 388-296-1100 What are the requirements for bathing children in care?

When bathing children, you or a primary staff person must:

- (1) Directly supervise preschool age and younger children at all times; and
- (2) Use a nonskid pad in the bathtub if the bathtub does not have a nonskid surface.

UTILITIES AND WASTE DISPOSAL

WAC 388-296-1110 Do I need a telephone?

- (1) You must have at least one working land line telephone in the licensed space of your facility for incoming and outgoing calls during the time children are present. This allows the 911 emergency operator to track the address or location where the emergency call is made from.
- (2) You must provide a working phone for each level of the home in which the child care operates.
- (3) The use of answering machines or voice mail is permitted only when they are fully operational and located where staff can hear them.
- (4) The telephone must be accessible for incoming and out going emergency use at all times.
- (5) You must post the following emergency numbers near the telephone:
 - (a) Fire;
 - (b) Police;
 - (c) Ambulance;
 - (d) Poison center;
 - (e) 911, address and directions to your home;
 - (f) Child protection services.
- (6) You must provide your current phone number, at all times, to the parents or guardians of the children in your care and your licensor.

WAC 388-296-1120 What are the lighting requirements?

You must:

- (1) Locate light fixtures and provide lighting that promotes good visibility for the safety and comfort of children in your care; and
- (2) Use nonhazardous light fixture covers or shatter resistant (or otherwise made safe) light bulbs or tubes for ceiling lights in the play space.

WAC 388-296-1130 What are the requirements for ventilation?

- (1) You must ensure that your licensed space is ventilated for the health and comfort of the children under your care.
- (2) An operational mechanical exhaust fan to the outside must ventilate toilet rooms and bathrooms that do not have windows opening to the outside.

WAC 388-296-1140 What are the requirements for drinking water?

You must provide:

- (1) Drinking water supplied from:
 - (a) A public water supply regulated by Washington state department of

- health drinking water operations or the local health authority as appropriate; or
 - (b) An individual water supply operated and maintained in a manner acceptable to the local health authority; or
 - (c) Commercially bottled water.
- (2) Disposable paper cups or individual drinking cups.

WAC 388-296-1150 What are the requirements for sewage and liquid wastes?

Your home must discharge sewage and liquid wastes into a public sewer system or into an independent septic system maintained so as not to create a public health nuisance as determined by the local health authority.

LAUNDRY, SINKS, AND TOILETS

WAC 388-296-1160 What are the requirements for laundry facilities?

We have specific requirements for laundry facilities. You must:

- (1) Have separate and adequate facilities for storing soiled and clean linen;
- (2) Provide a washer and dryer, or make other arrangements for getting laundry done on a regular basis;
- (3) Directly supervise when laundry equipment is accessible to children and is in use; and
- (4) Ensure that the clothes dryer is vented to the outdoors.

WAC 388-296-1170 What are the requirements for washing laundry used in child care?

You must use an effective way to clean laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials. You must clean laundry through temperature control or the use of chemicals.

WAC 388-296-1180 What are the requirements for hand-washing sinks?

- (1) You must supply children with warm running water for hand washing. The water must be kept at a temperature range of not less than eighty-five degrees Fahrenheit and not more than one hundred twenty degrees Fahrenheit.
- (2) Locate children's hand washing facilities in or next to rooms used for toileting.
- (3) You must provide the child with soap and paper towels for washing and drying their hands and face.
- (4) Hand washing sinks must be of appropriate height and size for children in care or you must furnish safe, easily cleanable platforms impervious to moisture.

WAC 388-296-1190 What are the requirements for toilets and toileting?

You must provide:

- (1) A minimum of one indoor flush-type toilet;
- (2) Privacy for toileting for children of the opposite sex who are four years of age and older and for other children demonstrating a need for privacy;
- (3) A mounted toilet paper dispenser and toilet paper for each toilet; and
- (4) Toilets that are of appropriate height and size for children in care or safe, easily cleanable platforms, impervious to moisture.

WAC 388-296-1200 Must a family home child care have toilet training equipment for children?

- (1) A family home child care must have developmentally appropriate toilet-training equipment, when the home serves children who are not toilet trained.
- (2) You must sanitize (one tablespoon chlorine bleach per quart of cool water) the equipment after each child's use.

INDOOR AND OUTDOOR PLAY AREAS AND TRANSPORTATION

WAC 388-296-1210 What are the requirements for indoor play areas?

- (1) Your indoor play area must contain a minimum of thirty-five square feet of useable floor space per child. This space is considered in determining child capacity of the home, and must be available for use by children at all times. We must not count the following as part of the thirty-five square feet per child requirement:
 - (a) Storage areas;
 - (b) Bathrooms;
 - (c) Hallways;
 - (d) Closets;
 - (e) Furnace rooms;
 - (f) Stationary equipment; and
 - (g) Any other furniture not used by children.
- (2) You must designate an area that is developmentally appropriate and safe for children less than twenty-four months of age to allow opportunities for:
 - (a) Large and small muscle development;
 - (b) Crawling and exploring;
 - (c) Sensory stimulation;
 - (d) Development of communication; and
 - (e) Learning self-help skills.
- (3) You must provide appropriate lighting and ventilation for all activity areas.

WAC 388-296-1220 What are the requirements for an outdoor play area?

- (1) You are required to provide a safe and securely-fenced play area, or an enclosed outdoor play area that we have approved.
- (2) The fenced or approved enclosed outdoor play area must prevent child access to roadways and other dangers.
- (3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be at least four feet high and designed to discourage climbing (chain link fencing is acceptable).
- (4) Spacing between vertical slats must be no greater than three inches.
- (5) The outdoor play area must directly adjoin the indoor premises or be reachable by a safe route and method approved by your licensor.
- (6) The outdoor play area must promote the child's active play, physical development, and coordination.
- (7) You must provide daily opportunities for children to participate actively in outdoor play.
- (8) You must not place climbing equipment on concrete, asphalt, wood or similar surfaces.
- (9) You must provide a fall zone of a minimum of six feet in all directions from stationary climbing equipment. The fall zone must be free of objects that could harm a falling child on impact.
- (10) The ground cover under climbing equipment must be soft enough to absorb falls and prevent injury. Examples of ground cover that will absorb a fall include cedar chips, pea gravel and rubber-like materials.

WAC 388-296-1230 What are the size requirements for an outdoor play area?

You must ensure the outdoor play area at your family home child care facility contains a minimum of seventy-five square feet of useable play space for each child you are licensed for.

WAC 388-296-1240 What are the requirements for outdoor play equipment?

You must provide a variety of age appropriate play equipment of sufficient quantity for the children in your care. For example:

- (1) Climbing equipment;
- (2) Tires for swings;
- (3) Age appropriate woodworking tools;
- (4) Play tools for water, mud and sand;
- (5) Ride-on toys, wheelbarrows, scooters, tricycles and bikes;
- (6) Bats, balls and sports equipment;
- (7) Gardening equipment;
- (8) Jump ropes; and
- (9) Dramatic play props.

- (10) All outdoor play equipment that needs installation must be installed as required by the manufacturers instructions and maintained in good condition.

WAC 388-296-1250 What are the requirements I must follow when I transport children?

When you transport children under your care, you must follow these requirements.

- (1) You must keep the vehicle in a safe operating condition;
- (2) The driver must have a valid driver's license;
- (3) There must be at least one staff person other than the driver in a vehicle when:
 - (a) Staff-to-child ratio guidelines require a second staff person (see WAC 388-296-1350(3)); or
 - (b) The child's specific needs require a second staff person.
- (4) The driver or owner of the vehicle must be covered under an automobile liability insurance policy;
- (5) The number of passengers must not exceed the vehicle's seat belts;
- (6) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as required by law, whenever the vehicle is in motion;
- (7) You must have a first aid kit and a copy of the child's completed enrollment form in the vehicle; and
- (8) You must perform an attendance count of children when getting in and out of the vehicle to prevent accidentally leaving a child in the vehicle.

CHILD PROTECTION

WAC 388-296-1260 What are the requirements for protecting a child under my care from abuse or neglect?

As part of ensuring a child's health, safety and welfare, you must protect children under your care from all forms of child abuse, child neglect and exploitation as required by RCW 26.44.030.

CHILD GUIDANCE AND DISCIPLINE

WAC 388-296-1280 What requirements must I follow when guiding and disciplining children?

- (1) You and your staff must use positive methods of guidance and discipline that promote self control, self-direction, self-esteem and cooperation. For example, redirection, planning ahead to prevent problems, reinforcing appropriate behavior and encouraging children to express their feelings and ideas instead of solving problems with force.
- (2) You are responsible for disciplining children in your care. This responsibility may only be delegated to a primary staff person.
- (3) Your expectations of children's social behavior must be appropriate to each child's level of development.
- (4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.
- (5) You and your staff must not make derogatory, shaming or humiliating remarks in the presence of children or families.
- (6) You must protect children from the harmful acts of other children.

WAC 388-296-1290 What types of disciplinary practices must not be used?

- (1) You, your staff, volunteer, anyone residing in your home or on the premises, or parents must not use any form of inappropriate discipline or corporal punishment such as, but not limited to:
 - (a) Spanking children with a hand or object;
 - (b) Biting, jerking, kicking, hitting, or shaking the child;
 - (c) Pulling the child's hair;
 - (d) Pushing, shoving or throwing the child;
 - (e) Inflicting pain as a punishment;

- (f) Name calling, shaming or using derogatory comments;
 - (g) Threatening the child with physical harm; and
 - (h) Threatening or intimidating the child.
- (2) You, your staff, volunteer, anyone residing in your home or on the premises must not use methods that interfere with a child's basic needs. These include, but are not limited to:
- (a) Depriving the child of sleep;
 - (b) Not providing required food, clothing or shelter;
 - (c) Restricting a child's breathing;
 - (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; and
 - (e) Not providing required medical or emergency dental care.

WAC 388-296-1300 Is the use of physical restraint allowed?

- (1) You must first use efforts other than physical restraint to redirect or de-escalate a situation.
- (2) If a child's behavior poses an immediate risk to physical safety, you may use a soft hold as a temporary method to prevent the child from hurting themselves or others.

WAC 388-296-1320 What types of restraint are not acceptable for children?

You, your staff, volunteer, anyone residing in your home or on the premises must not use:

- (1) Physical restraint as a form of punishment or discipline;
- (2) Mechanical restraints, including but not limited to handcuffs and belt restraints;
- (3) Locked time-out rooms; or
- (4) Physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or that might injure a child. These include, but are not limited to:
 - (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
 - (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
 - (c) Arm twisting;
 - (d) Hair holds;
 - (e) Choking or putting arms around the throat; and
 - (f) Chemical restraints.

WAC 388-296-1330 What must I do following an incident that involved using physical restraint?

You must:

- (1) Review any incident of physical restraint to ensure that the decision to use physical restraint and its application were appropriate;
- (2) Report the incident to the child's parent;
- (3) Document the incident in the child's record; and
- (4) Obtain consultation from the licensor and public health nurse so that further use of restraint may be eliminated.

WAC 388-296-1340 What incidents involving children must I report?

- (1) You or your staff must report any of the following incidents immediately to your local children's administration intake staff, and your licensor:
 - (a) Suspected child abuse, neglect or exploitation;
 - (b) Death of a child;
 - (c) Child's suicide attempt;
 - (d) Use of physical restraint that is alleged to be improper, excessive, or results in injury;
 - (e) Sexual contact between two or more children;
 - (f) Disclosures of sexual or physical abuse by a child in care;
 - (g) Injury requiring professional medical treatment;
 - (h) Unexpected or emergent health problems that require off-site professional medical treatment;
 - (i) Medication that is given incorrectly.
- (2) You or your staff must report immediately, any of the following incidents to the child's parent or legal guardian:
 - (a) Suicidal or homicidal ideation, gestures, or attempts;

- (b) Unexpected health problems;
- (c) Any incident of medication administered incorrectly;
- (d) Physical assaults that resulted in injury;
- (e) Runaways;
- (f) Missing children; and
- (g) Use of physical restraints for routine behavior management.

CAPACITY AND STAFFING RATIOS, AND SUPERVISION OF CHILDREN

WAC 388-296-1350 What are the capacity and the ratio of child care staff to children based on?

The number and ages of the children must determine the number of staff and group size in attendance.

- (1) All children in the home, including the provider's or other staff's own children, must be counted in determining the staff to child ratio and group size.
- (2) All children under the age of twelve visiting the home count in capacity. Children attending with a parent or responsible adult do not count in capacity as long as the parent or adult remains with and is responsible for the children;
- (3) The required staff to child ratios in the following chart must be met at all times.

STAFF AND EXPERIENCE	AGE RANGE OF CHILDREN (IN YEARS)	HIGHEST NUMBER OF CHILDREN UNDER TWO YEARS OF AGE ALLOWED	HIGHEST NUMBER OF CHILDREN ALLOWED ON THE PREMISES
(a) Licensee	Birth - 11	2	6
(b) Licensee with one year experience	2 - 11	None	8
(c) Licensee with one year experience	5 - 11	None	10
(d) Licensee with one year of licensed child care experience plus one staff person or volunteer	Birth - 11	4	9
(e) Licensee with two years' of licensed child care experience and one three credit early childhood education (ECE) course or 30 clock hours of ECE training	3 - 11	None	10
(f) Licensee with two years' of licensed child care experience and one three credit ECE course of 30 clock hours of ECE training, one staff person or volunteer	Birth - 11	4	12

- (4) You must ensure a staff person or volunteer is present in the licensed space of the child care facility when:
 - (a) Three or more children under two years of age are in care;
 - (b) Seven or more children are in care and at least one child in care is under two years of age; or
 - (c) More than ten children are in care.
- (5) Our determination of capacity must include all children eleven years of age or younger on the premises. (Except as provided for in the subsection (2) above.)
- (6) You must ensure that only you and/or a primary staff person, eighteen years of age or older, has sole responsibility for the child in care.

WAC 388-296-1360 What am I required to do to supervise children?

- (1) You must ensure that the required number of staff supervise children.
- (2) You, or a primary staff person, must be within sight or hearing of the children in your care, both inside and outside, so that you or a primary staff person are capable of intervening to protect the health and safety of the children.

- (3) Preschool age children and younger must be within sight and hearing of you or a primary staff person when outside.
- (4) The supervision you provide must ensure that you are aware of what the children are doing at all times and can promptly assist or redirect activities when necessary.
- (5) If you are unable to view children in your licensed space you must continually go to that area to check on them.
- (6) Children must not be on a floor level of the home unless you or a primary staff person is on the same floor level. When deciding how close to supervise, you must consider the following:
 - (a) Ages of the children (sleeping or napping infants must be in the main child care space and subject to continual checks);
 - (b) Individual differences and abilities;
 - (c) Layout of the house and play area;
 - (d) The risk associated with the activities children are engaged in; and
 - (e) Your outdoor play area and nearby hazards.
- (7) A baby monitor or video monitor must not take the place of the required supervision for children in your care.

THE LEARNING ENVIRONMENT

WAC 388-296-1370 What types of play materials, equipment and activities must I provide for the children in my care?

- (1) You must provide developmentally appropriate and culturally relevant activities and materials in the required quantity and variety to meet the needs and interests of children being served. The daily schedule must promote:
 - (a) Social skills (for example: opportunities for sharing, caring and helping);
 - (b) Positive self-concepts (for example: encouraging children to draw pictures and tell stories about themselves and their families);
 - (c) Language and literacy (for example: reading books, songs, conversation, story telling, scribbling and drawing);
 - (d) Physical development in both indoor and outdoor settings, strengthening large and small muscles and encouraging eye-hand coordination, body awareness, rhythm and movement (for example: finger plays, obstacle courses and puzzles); and
 - (e) Creative expression and appreciation for the arts (for example: creating art work as process rather than product, dance, movement, dramatic play, music and materials that represent a variety of cultures).
- (2) The daily schedule must provide:
 - (a) Individual, small group and large group activities;
 - (b) Many opportunities for success through open-ended activities (for example: blocks, play dough and sand/water and praising effort, not just results);
 - (c) An environment of respect for individual and cultural diversity (for example: acknowledging and respecting each child's unique qualities and integrating positive culturally relevant experiences into daily activities);
 - (d) Opportunities for children to solve problems, initiate activities, experiment and gain mastery through learning by doing;
 - (e) Opportunities to explore science, dramatic play, music, language arts and mathematical concepts;
 - (f) A balance between staff-directed and child-initiated activities. Staff voices must not dominate the overall sound of the group; and
 - (g) Infants and toddlers with ample opportunities to move about freely in a safe area.
- (3) If television/video viewing occurs it must not be in place of planned activities and must be:
 - (a) Educational;
 - (b) Designed for children; and
 - (c) Age-appropriate alternatives to television must be available for

children during TV or video watching and appropriate for the number and ages of the children in care.

- (4) You must have the required outdoor play equipment for the number and ages of the children that you serve (see WAC 388-296-1240).

WAC 388-296-1380 Are there additional requirements regarding American Indian children?

When one or more American Indian child receives care at the home, the licensee must in consultation with the parent, establish a plan to provide resources and training designed to meet the social and cultural needs of such children.

WAC 388-296-1390 How am I required to interact with the children in my care?

You, your staff and volunteers must:

- (1) Treat each child with consideration and respect, and with equal opportunities to take part in all developmentally appropriate activities;
- (2) Appropriately hold, touch and smile at children;
- (3) Speak clearly to children at their eye level;
- (4) Be available and responsive to children, encouraging them to share experiences, ideas and feelings;
- (5) Sit with children during meals when possible;
- (6) Listen to children with attention and respect;
- (7) Attend to children when they cry;
- (8) Perform nurturing activities including diapering, toileting, feeding, dressing and resting taking into consideration of the parent's own nurturing practices, when the practices are developmentally appropriate and when the practices would not constitute a violation of these regulations. These activities must be performed in a relaxed, reassuring and individualized manner, which is developmentally appropriate and promotes the child's learning self-help and social skills; and
- (9) You, your staff, volunteers and family members having access to the children in your care must not use profanity or obscene language.

STAFF POSITIONS, QUALIFICATIONS AND ON-GOING STAFF TRAINING

WAC 388-296-1400 What are the responsibilities of the family home provider?

- (1) You are responsible for the overall management of your family home child care business.
- (2) You must ensure your family home child care business complies with the minimum licensing requirements contained in this chapter.

WAC 388-296-1410 What are the required staffing qualifications for child care?

- (1) You, a primary staff person, assistant, volunteer, and other person associated with the operation of the business who has access to the child in care must:
 - (a) Meet the qualifications in WAC 388-296-0140;
 - (b) Not have committed or been convicted of child abuse or any crime involving physical harm to another person; and
 - (c) Not have been disqualified from working in a licensed child care setting or have had a license revoked.
- (2) The licensee must:
 - (a) Be eighteen years of age or older;
 - (b) Be the primary child care provider;
 - (c) Ensure compliance with minimum licensing requirements under this chapter; and
 - (d) Have completed one of the following prior to or within the first six months of obtaining an initial license:
 - (i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training and registry system (STARS);
 - (ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early

- childhood education or child development; or
- (iii) Associate of arts or AAS or higher college degree in early childhood education, child development, school age care, elementary education or special education.

(3) Child care staff must be:

- (a) Fourteen years of age or older if an assistant; or
- (b) Eighteen years of age or older if a primary worker and assigned sole responsibility for the child in care.

(4) You and your staff must meet the following qualifications:

Position	Qualifications	Background Check	TB Test	STARS Training	First Aid and CPR	HIV/AIDS and Blood borne pathogens training
Licensee	Eighteen years of age	X	X	X	X	X
Primary child care staff	Eighteen years of age	X	X	X Basic 20 hour training to be completed within the first six months of employment	X	X
Child care assistant/volunteer	Fourteen years of age; (directly supervised by the licensee or a primary staff)	X	X	Recommended	If counted in staff to child ratio	X

WAC 388-296-1420 Must I be present while children are at my family home child care?

- (1) You must be present and in the licensed space of your family home child care during the majority of your operating hours.
- (2) You must notify your licensor and obtain advanced approval if you plan to be away from the child care business for more than the majority of the time the child care is in operation.
- (3) When you are absent from the child care business you must leave a qualified primary staff person in charge. This person must meet the same qualifications that we require of you.
- (4) You may leave a qualified assistant eighteen years or older in charge of the child care business to allow for medical, dental and other necessary appointments for periods not to exceed two hours.

WAC 388-296-1430 Are child care assistants and volunteers allowed to provide care to a group of children without supervision?

- (1) You may have a child care assistant and volunteer support you at your family home child care facility while under the direct supervision of you or a primary staff person; and
- (2) You must not assign to a person under eighteen years of age sole responsibility for a group of children.

ON-GOING STAFF TRAINING

WAC 388-296-1440 Am I required to offer training to my staff?

You must:

- (1) Discuss with the staff your policies and procedures as well as the rules contained in this chapter;
- (2) Provide or arrange for your staff to have training for the services that you provide to children under your care;
- (3) Include in your training monthly practice of fire drills and disaster training for each staff;
- (4) Update blood borne pathogen information on an annual basis;
- (5) Ensure that staff and volunteers keep CPR and first aid training current if they are required to have it;
- (6) Record the amount of time and type of training provided to staff; and
- (7) Keep this information in staff files or in a separate training file and make this information available to DCCEL upon request.

WAC 388-296-1450 What personnel records must I have?

You, the primary staff, assistant, and volunteer must have on file at the home:

- (1) An application, including work and education history (resume);
- (2) Documentation of criminal history and background inquiry form submission;
- (3) A record of the tuberculin skin test results, X ray, or an exemption to the skin test or X ray;
- (4) Documentation of HIV/AIDS training and blood borne pathogen information;
- (5) Documentation of current CPR and first aid training, when applicable; and
- (6) Documentation of basic and annual STARS training when applicable.

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